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IN THE US PATENT AND TM OFFICE

Appn. Number: 10/017,280

Filing Date : 2001 Dec 07

Applicants : Zemlyakov, Vladimir and McDonough, Patrick

Appn. Title : Upper Extremity Exoskeleton Structure and Method

Examiner : Yu, Justine Romand/GAU 3764

Mailed 2006, September 7, Thus.

At North Andover, MA

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Please, consider the following as a response to the Office of Petitions Letter mailed July 11, 2006:

1. Considering paragraph 1 of Applicants letter mailed on May 25, 2006, the Office of Petitions have made a conclusion that Applicant stated, "nothing was required to be filed in response to the Interview Summary because a response had already been filed in response to the Office action mailed on 16 July, 2003".

Applicants did not state said above. Applicants could not state that because nothing had been filed in response to the Office action mailed on 16 July, 2003 before the Interview date. In paragraph 1, Applicants have only asserted that the Interview Summary with the Notice of Allowability is derivations from the Interview. And the Interview is primary, for which Applicants mailed formal response.

2. In paragraph 2, Applicants did not state that “the examiner agreed that no reply to the Examiner’s Interview was required” because Applicants and Examiner had not discussed that really. Examiner and Applicants had only discussed requirements and details comprising in the non-final Office action mailed on July 16, 2003, and an agreement was reached about that. Also, Applicants informed in paragraph 2 that Applicants had a choice either to send formal response just after the Interview date, or wait for the Interview Summary with the Notice of Allowability receiving.

3. Applicants claim that Certificate of Mail dated 7 August, 2003 and date of mailing clearly indicate that Applicants’ reply was sent in response to the Examiner’s interview held on 5 August, 2003. Really, if the letter was mailed after the Interview date, this letter was the response for that action. But content of the letter comprised requirements of prior Office action mailed on 16 July, 2003 because the substance of the Examiner’s interview held on 5 August, 2003 and details comprising in the non-final Office action mailed on July 16, 2003 were absolutely same. It is confirmed by the Interview Summary, the Notice of Allowability, and Examiner’s Amendment enclosed that notified: “The drawings are objected to, see the pervious office action for details”.

4. The Office of Petitions letter asserts, “Drawings in compliance with 37 CFR 1.84 or 1.1.52 were never



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service  
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On September 7, 2006

Vladimir Zemlyakov  
Signature \_\_\_\_\_  
Date 09 07 06

filed”.

Applicants are partially agreed with that statement of the Office of Petitions. Really, the original of Applicants’ letter with corrected drawing mailed on August 7, 2003 was not filed by the Patent Office in proper time. But Applicants’ Petition To Withdraw Holding of Abandonment with copies of original corrected drawings was filed by USPTO on June 21, 2004. Also, Applicants received the Notice of Draftsperson’s Patent Drawing Review and sent other copies of original corrected drawings mailed on May 25, 2006 in response the Notice of Draftsperson’s Patent Drawing Review.


5. Applicants did not find arguments of the Office of Petitions to revive the Patent Application and pay additional fee because if Applicants’ letter with corrected drawings mailed on August 7, 2003 was filed by the Patent Office in proper time, it was not problem with “failure to timely file corrected drawings”.

6. Considering the above, Applicants again respectfully request to withdraw Holding of the Abandonment and issue the Patent because Applicants have sent the formal reply including the substance of the Interview with corrected drawings in timely, mailed August 7, 2003 and Issue and Publication Fees (\$ 950.00) mailed September 17, 2003.

Very respectfully,

Vladimir Zemlyakov

September 7, 2006

A handwritten signature in black ink, appearing to be 'Vladimir Zemlyakov', is written over a horizontal line. The signature is stylized with long, sweeping strokes.